Children's Advocate

2001/2002 Annual Report

103-05978/

FOREWORD

This report covers the period April 1, 2001 – March 31, 2002. I became Acting Provincial Children's Advocate November 1, 2001 and remained in that role to the end of the reporting year. I have since been appointed by Order in Council.

This report covers a period in which the Children's Advocate began a major restructuring of operations. The office undertook a review of its operation both formally through the Auditor General's office, and informally, and set a course to realign operations. The majority of our restructuring efforts unfolded in the 2002-2003 fiscal year and will be reported in the next Annual Report.

The Children's Advocate reports to the Minister of Children's Services, the Honourable Iris Evans, and I respectfully submit this report to her.

John Mould
Provincial Children's Advocate

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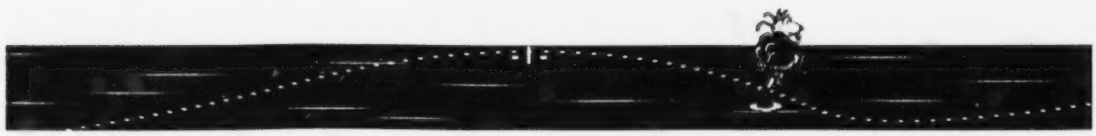


BEING THE PROVINCIAL CHILDREN'S ADVOCATE

To say that undertaking the role of Provincial Children's Advocate is a "challenge" is an understatement.

At the time I was appointed as Acting Provincial Advocate, change was in the air. Children's Services was at the beginning stages of a significant reshaping of its service delivery model. The Children's Advocate Program had remained virtually unchanged from its beginnings in 1989 and it was very clear that carrying on as we always had was not going to be possible or desirable.

As all my predecessors have said, being an internal advocate brings with it both risks and opportunities. Because of the nature of child welfare work and because of the nature of bureaucracies, an internal advocate is always going to find him/herself at odds with something the Ministry is, or is not, doing. Being inside the system generally gives one more ready access to information and decision makers than if one is located outside the system. On the other hand, one is a carrier of messages that the system often does not want to hear. Internal advocates rarely have good news stories to tell.

Each person who sits in the chair as Provincial Advocate must determine his/her own "line in the sand". This defines not only what he/she cannot support or go along with in terms of Ministry decision making, but also how and where that disagreement will be expressed. I am idealistic enough to be committed to the values and principles that underlie the Children's Advocate Program, and I am practical enough to look for ways of working with the Ministry that will increase its willingness to hear what the Program has to say and its willingness to act to change those things which do not serve children and youth well. This is what will determine my line.

I appreciate the opportunity I had to work with Bernd Walter, Jean Lafrance and Bob Rechner. Each left his mark on the

Program and I learned from all of them. My decision to take on the role of Provincial Advocate rested on two factors. One is my belief in what the Program is about. The second is because of the staff in the Program. As different as they are one from the other, they have a passion for their work that is wonderful to experience.

2001-02 PROGRAM HIGHLIGHTS

The Children's Advocate Operational Plan for 2001 – 2002 had two particular objectives:

- To increase the Program's effectiveness in enlisting the Ministry's agreement to pursue system changes that would improve the services to, and the outcomes for, children and youth served by the Ministry;

- To re-direct a portion of its resources toward increasing the number of people available and willing to assist vulnerable children, youth and families.

We introduced and piloted a Quarterly Report process that gives each of the Child and Family Service Authorities and Delegated First Nation Agencies information about the issues that young people identified as ones where advocacy support was needed, during the reporting period. This gives the Children's Advocate Office frequent opportunity to meet with officials in each of the Authorities and First Nation Agencies, to review our involvement and experience in their areas, and to engage in discussions about emerging trends and themes we are observing through our involvement with individual children and youth. In addition, the Program instituted a "Sensitive Case Briefing" process that formalized the way in which the Children's Advocate Office brings case situations of significant importance to the attention of the Ministry. Both of these initiatives are intended to produce more timely sharing of information between the Children's Advocate Office and the Ministry, and to provide a platform for discussion about systemic change where that is appropriate.

From the beginning of the Program, whenever a child or youth was referred to the Children's Advocate Office, we recognized and supported the involvement of an adult who was a part of the young person's life, who was trusted by the youth and who was willing to undertake, in part or in whole, the advocacy required. Over time, these people

became referred to as "natural advocates." This year, the Program decided to be more assertive in attempting to identify existing natural advocates associated with the children and youth referred. Our intention is two-fold. Enabling natural advocates to undertake advocacy activities encourages something we believe is instrumental to the healthy growth and development of children and youth - the support, guidance and caring of an involved adult who will potentially have a long-term relationship with the young person. It also enables us to concentrate our time on the more complex problems of children and youth brought to our attention, and to respond to the young people who need an Advocate's involvement and who do not have adults in their lives who are willing and/or able to undertake the advocacy effort.

During the year, we began a redesign of the Children's Advocate Office's organizational structure and function in order to free some resources for an initiative we are calling community advocacy facilitation. Our vision is that the Program will look for partnerships to develop, support and enhance advocacy resources at the community level. Our goal is to establish links with Regional Authorities, Family and Community Support Services (FCSS) organizations, First Nation Agencies, schools, community groups and agencies, who are willing and able to recruit, select and maintain local volunteers to provide advocacy support to vulnerable children and families in their local communities. The particular role of the Children's Advocate Office would be to provide training and support to the volunteers and to provide a period of consultation to assist their functioning as advocates for vulnerable children and families.

MANDATE, PURPOSE AND ACCOUNTABILITY

MANDATE

The Children's Advocate Office was established through an amendment to the Child Welfare Act (1989). The two primary responsibilities of the Office are:

- To represent individual children and youth served under the Child Welfare Act.

- To provide information and advice to the Minister and her staff with respect to the welfare and the interests of, and the provision of services to, the children and youth who receive services under the Child Welfare Act.

The legislative mandate for the Children's Advocate Program is provided in Appendix A.

PURPOSE

On behalf of children and youth who come to the Office's attention, the purpose of the Children's Advocate Program is:

- to encourage decision makers to use all available information relevant to the decisions that are to be made about, and on behalf of, children and youth;

- to provide young people with every opportunity to understand their circumstances, to understand and exercise their rights, and to participate in decision-making forums that are about them;

- to promote the development of child welfare programs and services that respect the rights and interests of young people, and that respond to the experiences of the children and youth who are the intended beneficiaries of these programs and services.

ACCOUNTABILITY

The Provincial Children's Advocate is appointed by the Lieutenant Governor in Council, based on the recommendation of the Minister of Children's Services.

The Children's Advocate Program, through the Provincial Advocate, is accountable to the Minister for the activities of the Program. The most formal expression of this accountability is through the requirement that an annual report be submitted to the Minister, "respecting the exercise of the duties and functions of the Children's Advocate".

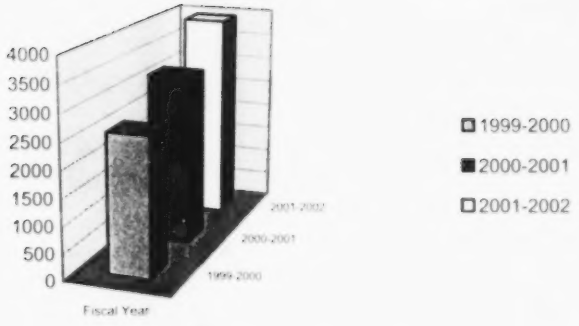
The Children's Advocate Program also believes there is an important accountability to the children and youth we serve. Over the past ten years, we have consistently collected and analyzed feedback from the young people who have accessed the help of Advocates, about how their experiences match the principles and values underpinning the Advocate Program.

INDIVIDUAL ADVOCACY SERVICES

CHILDREN SERVED

Individual advocacy services are provided to young people receiving services under the Child Welfare Act on the basis of referrals. In 2001-02, 3931 children or youth received such services. Of this number, 3224 youth came to us as new referrals.

Total Children Served in 2001-02	**3931**
Active as of April 1, 2001	**707**
New Referrals	**3224**
Active as of April 1, 2002	**633**



!NCREASES IN CHILDREN SERVED	
CHILDREN SERVED	**FISCAL YEAR**
2600	**1999-2000**
3190	**2000-2001**
3931	**2001-2002**

REFERRAL SOURCES

Referrals of young people to the program came from a variety of sources. A large percentage of youth referred themselves. Some youth came to our attention when we received a mandatory notification primarily from Child Welfare staff. The majority of referrals, however, came from various adults associated with the child in some way. They include: parents, extended family, current and former foster parents, child care workers, teachers and health care professionals.

Referral Source	Count	%
Self Referred	944	32%
3rd Party	1656	56%
Own Motion	12	.5%
Mandatory	312	11%
Anonymous	8	.5%
Total	**2932**	**100%**

RACIAL ORIGIN OF CHILDREN SERVED

Aboriginal
Black
Caucasian
East Indian
Mixed Race
Unknown
Oriental

Racial Origin	Count	%
Aboriginal	1429	36%
Black	36	1%
Caucasian	1733	44%
East Indian	11	-%
Mixed Race	108	3%
Unknown	593	15%
Oriental	21	1%
Total	**3931**	**100%**

AGES OF CHILDREN SERVED

Age Groups	Count	%
Unknown	1	-
0-5 years	713	18%
6-11 years	1058	27%
12-17 years	1898	48%
18+ years	261	7%
Total	**3931**	**100%**

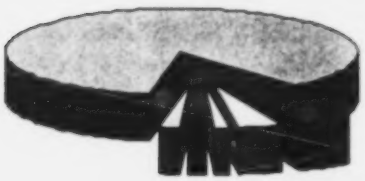
RESOURCES

The Children's Advocate's primary role has been to provide advocacy services to children and youth receiving child welfare services who need an advocate. The role has been fulfilled through the delivery of individual advocacy efforts and systemic issues identification. The entire resource complement of staff and 96% of the budget were committed to delivering these services. The remaining 4% of the budget was dedicated to supporting youth in care networks whose missions include providing information and peer support to youth in care.

Resource Distribution

- $2,110,000
  - 96% Advocacy Services
  - 4% Youth in Care Networks
- 25.5 Positions

Budget Utilization



- Manpower
- Travel
- Youth Networks
- Communications
- Telecommunications
- Office Services

MALTREATMENT OF YOUTH: FOLLOW–UP TO 2000–2001 ANNUAL REPORT

The 2000-2001 Children's Advocate Annual Report raised the issue of children and youth who were, according to the Child Welfare Information System (CWIS), abused or neglected while they had an open child welfare file.

Because of the nature of the issue, and because the response to it by the Ministry and by the public, was so strong, I felt it important to comment on what has occurred with respect to the issue in this reporting year.

The Ministry reviewed and improved its own tracking system with respect to the reporting and investigation of allegations of children and youth being neglected or abused while having an open child welfare file. Following the release of the 1999-2000 Annual Report, the Ministry's review of CWIS revealed that a number of the substantiated allegations were actually the reporting of instances of maltreatment that occurred prior to the young person receiving services from Children's Services.

Acknowledging that any instances of maltreatment of youth who are receiving child welfare services is serious, the Ministry instituted a requirement that whenever there is a substantiated allegation of this type made, a senior member of the respective Child and Family Services Authority or Delegated First Nation Agency is immediately and automatically notified (through the Child Welfare Information System), and ensures there is appropriate follow-up taken.

The Ministry undertook a review of Foster Care that will have three distinct phases: a review of Ministry foster care, a review of private foster care, and a review of foster care training.

These actions constitute a reasonable response to the issues identified.

By policy, the Children's Advocate Office continues to receive notification whenever there is an allegation of abuse of a child or youth who is placed by the Ministry in an out-of-home setting.

COURTESY SUPERVISION

On occasion, the Children's Advocate Office receives referrals about, or from, youth who have an open child welfare file in another provincial or territorial jurisdiction but who are living in Alberta, usually in a residential facility.

In most instances that come to the attention of the Children's Advocate Office, these young people have been placed without consultation with Alberta Children's Services. As well, the Child and Family Services Authorities within which they are living have not been asked to provide courtesy supervision. As a result, these youth have no personal supports outside of their placement setting, except from family and friends who are hundreds, if not thousands, of miles away. Of the youth in this situation that we meet, almost all express sadness about being so far away from their family and friends, and worry about whether they will ever get to return home. They are acutely aware that unlike the other young people with whom they live, they do not have regular visitors and/or someone who will take them out for an afternoon. Of even more concern from our perspective, there is no one within close proximity to these youths who is monitoring what is happening within the placement setting, and no one who can readily respond if the youth has some sort of personal crisis, particularly if that crisis puts the youth in conflict with his or her placement.

Our position is that youth placed in Alberta by another child welfare jurisdiction should, in every instance, be connected to a local child welfare worker who has been asked to provide courtesy supervision by the responsible province or territory.

We reviewed the existing protocol agreement, signed by all provincial and territorial child welfare authorities, governing inter-provincial placements. The relevant section indicated that for a child placed in a residential care facility the responsible jurisdiction may request the receiving jurisdiction to provide courtesy supervision. As a consequence, we began discussions with the Assistant Deputy Minister, Accountability and Program Support, and

his staff about our view that the protocol should be revised to require courtesy supervision requests. Because this is a matter that involves all territorial and provincial child welfare systems, the Ministry committed to taking the issue, and our request, to the provincial/territorial directors of child welfare at their next meeting.

APPENDIX A - SECTION 2 OF THE CHILD WELFARE ACT

Matters to be considered

A Court and all persons shall exercise any authority or make any decision relating to a child who is in need of protective services under this Act in the best interests of the child and in doing so shall consider the following as well as any other relevant matter:

(a) the family is the basic unit of society and its well-being should be supported and preserved;
(b) the interests of a child should be recognized and protected;
(c) the family has the right to the least invasion of its privacy and interference with its freedom that is compatible with its own interest, the interest of the individual family members and society;
(d) a child, if the child is capable of forming an opinion, is entitled to an opportunity to express that opinion on matters affecting the child and the child's opinion should be considered by those making decisions that affect the child;
(e) the family is responsible for the care and supervision of its children and every child should have an opportunity to be a wanted and valued member of a family, and to that end

    (i) if protective services are necessary to assist the family in providing for the care of a child, those services should be supplied to the family in so far as it is reasonably practicable to do so in order to support the family unit and to prevent the need to remove the child from the family, and
    (ii) a child should be removed from the family only when other less intrusive measures are not sufficient to protect the survival, security, or development of the child;

(f) any decision concerning the removal of a child from the child's family should take into account

    (i) the benefits to the child of maintaining, wherever possible, the child's familial, cultural, social and religious heritage,
    (ii) the benefits to the child of stability and continuity of care and relationships,
    (iii) the risks to the child if the child remains with the family, is removed from the family or is returned to the family, and
    (iv) the merits of allowing the child to remain with the family compared to the merits of removing the child from the family;

(g) if it is not inconsistent with the protection of a child who may be in need of protective services, the child's family should be referred to community resources for services that would support and preserve the family and prevent the need for any other intervention under this Act;
(h) any decision concerning the placement of a child outside the child's family should take into account

(i) the benefits to the child of a placement that respects the child's familial, cultural, social and religious heritage,
(ii) the benefits to the child of stability and continuity of care and relationships,
(iii) the benefits to the child of a placement within or as close as possible to the child's home community,
(iv) the mental, emotional and physical needs of the child and the child's mental, emotional and physical stage of development, and
(v) whether or not the proposed placement is suitable for the child;

(i) the provision of protective services is intended to remedy or alleviate the condition that caused the child to be in need of protective services;
(j) if a child is being provided with care under this Act, the child should be provided with a level of care that is adequate to meet the needs of the child and consistent with community standards and available resources;
(k) if a child is being provided with care under this Act, a plan for the care of a child should be developed that will address the child's need for stability and continuity of care and relationships;
(l) a person who assumes responsibility for the care of a child under this Act should endeavour to make the child aware of the child's familial, cultural, social and religious heritage;
(m) there should be no unreasonable delay in making or implementing a decision affecting a child.

APPENDIX B - ORGANIZATIONAL CHART.